

NO. PD-1348-17

LAURO EDUARDO RUIZ

VS.

THE STATE OF TEXAS

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IN THE COURT OF
FILED
COURT OF CRIMINAL APPEALS
10/2/2018
DEANA WILLIAMSON, CLERK
CRIMINAL APPEALS
AUSTIN, TEXAS

MOTION FOR LEAVE TO FILE A POST-SUBMISSION BRIEF

TO THE HONORABLE JUDGES OF THE FOURTH COURT OF APPEALS:

NOW COMES Nicholas “Nico” LaHood, Criminal District Attorney of Bexar County and Counsel for the State of Texas, and files this Motion requesting permission to file a post-submission brief pursuant to Rule 70.4.

On Wednesday September 19, 2018, the Court heard oral argument on this case. After oral argument, the State reanalyzed Ruiz’s arguments and would like to briefly address an argument post-submission. Specifically, the State would like to address two issues: 1) Whether this case should be dismissed as improvidently granted and 2) Whether the *Callaway* rule should apply in this case.

The State has filed a post-submission brief on the above issues and asks this Court to please accept and consider the State’s brief.

WHEREFORE, PREMISES CONSIDERED, Counsel for the State prays that the Court grant the State's motion and accept the accompanying post-submission brief.

Respectfully submitted,

Nicholas "Nico" LaHood
Criminal District Attorney
Bexar County, Texas

/s/ Lauren A. Scott

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CERTIFICATE OF SERVICE

I, Lauren A. Scott, Assistant District Attorney, Bexar County, Texas, certify that a copy of the foregoing motion was electronically mailed to Alex J. Scharff, attorney for appellant, on October 1, 2018.

/s/ Lauren A. Scott

Lauren A. Scott

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